

J. WALTER DUNCAN.

---

JUNE 13, 1910.—Ordered to be printed.

---

Mr. TILSON, from the Committee on Claims, submitted the following

ADVERSE REPORT.

[To accompany H. R. 8668.]

The Committee on Claims, to whom was referred the bill (H. R. 8668) for the relief of J. Walter Duncan, having considered the same, report thereon with a recommendation that it do not pass.

Appended hereto are letters from the office of the Postmaster-General, which are made a part of this report.

---

POST-OFFICE DEPARTMENT,  
OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 7, 1910.

MY DEAR SIR: With reference to yours of the 6th instant, inclosing bill (H. R. 8668) for the relief of J. Walter Duncan, postmaster at Adamston, W. Va., and requesting an opinion as to the merits of the bill, I inclose herewith a brief of the evidence bearing on the postmaster's claim for credit on account of loss resulting from the burglary of the post-office at Adamston, prepared in the office of the Assistant Attorney-General for this department, setting forth the material facts in the case, from which the reasons for the disallowance of the postmaster's claim will fully appear.

In view of the conditions under which the loss occurred, it does not appear to me that the claimant is entitled to the relief sought.

Yours, very truly,

F. H. HITCHCOCK,  
Postmaster-General.

HON. GEO. W. PRINCE,  
*Chairman Committee on Claims, House of Representatives.*

---

[In re J. Walter Duncan, postmaster, Adamston, W. Va., claim for credit on account of loss by burglary September 7, 1908, as follows, viz: Postal funds, \$100; postage stamps, \$353.82; money-order funds, \$31.19.]

BRIEF.

The following particulars of the loss in question are given by Post-Office Inspector Mensch, by whom the matter was investigated, in a report dated September 15, 1908:

"The post-office, fourth class, is located in a store in which the postmaster, J. W. Duncan, is interested in connection with D. R. Martin, who, as clerk, gives the post-office his personal attention in the absence of the postmaster.

"On the night of the 7th instant Mr. Duncan was the last person to leave the office and himself closed and locked the door in the front of the building. Some time during the night a door in the rear of the store was forced open with a jimmy by some unknown

person or persons, the safe, \* \* \* was rolled from the front of the store in the post-office to the rear door of the building and there burglarized.

"It was freely admitted by both postmaster and clerk that the safe was not locked, notwithstanding they had been cautioned and fully instructed by myself when making a recent inspection (August 31) of the office to be very particular to do so, and especially at night. Their excuse was that the combination had been lost and that if the safe were locked they could not open it.

\* \* \* \* \*

"The only extenuating circumstances presented by the postmaster were that he was not fully conversant with the postal laws, and that he accepted his appointment as postmaster under protest."

In a letter to this office dated September 11, 1908, the postmaster made the following statement:

\* \* \* \* \*

"We locked safe as usual after depositing funds for day, also doors, and on entering office found door broken open, safe moved from office part to rear of the building, and funds taken as previously stated."

Although it is here stated that the safe was locked, the postmaster's sworn statement as to the loss contains the following:

"Affiant further says that he had been postmaster but a few months before said burglary occurred; that he really didn't want the office, but took it as a compromise appointment between local political factions; that the office was conducted in a store and the safe of the merchant was used; that the merchant had never used the safe for anything except as a protection of his books against fire, and had never been in the habit of locking it, as he didn't know the combination; that affiant never knew the combination, and therefore could not lock it; that said safe, although weighing about 600 pounds, had been removed from the front of the room, about 60 feet, to the rear of the room, where it was dark, it evidently having been the intention of the burglars to blow it, but as they found it not locked, of course it was not dynamited. In view of the fact, therefore, that affiant had not been keeping the funds and paper under lock, as he had no available place to lock them, except that the post-office doors, which were forced by the burglars, were locked, affiant asks that the rule be not applied to him in this case, but that the case be considered as one where the postmaster did not keep his funds locked in a safe or drawer by reason of the fact that he had no safe or drawer which he could lock in which to keep them."

The fact that neither the postmaster nor his partner in business knew the combination of the safe is no excuse for leaving money and stamps in it when it was not locked. He could probably have learned the combination, or to make a new combination, by writing to the manufacturers of the safe; but if he did not choose to do this, he should have removed the stamps and funds to a place of greater security, especially after having been instructed by the inspector on the subject only a week before the burglary occurred. It is evident that the claim should be disallowed.

W. A. K.

